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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/027,751

12/21/2001

Joel P. Dunsmore

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7590

09/15/2004

AGILENT TECHNOLOGIES, INC.

Legal Department, DL429

Intellectual Property Administration

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EXAMINER

BHAT, ADITYA S

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 09/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/027,751

Applicant(s)

DUNSMORE ET AL.

Examiner

Aditya S Bhat

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 16, 21, 22, 27 and 29 is/are rejected.
- 7) ☒ Claim(s) 4-15, 17-20, 23-26, 28 and 30-32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2863

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 16, 21-22, 27 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Bonta et al. (USPN 5,245,347)

With regards to claim 1, Bonta et al. (USPN 5,245,347) teaches a method of extending dynamic range of a test, system that has a receiver channel comprising:

compensating for an effect that compression of the receiver channel has on as magnitude response and a phase response of the receiver channel. (Col. 48, lines 36-39)

With regards to claim 16, Bonta et al. (USPN 5,245,347) teaches a method of extending dynamic range of a test system comprising:

characterizing a reference receiver channel of the test system for a reference magnitude compression response and a reference phase compression response; (18; see figure 1 )

characterizing a second receiver channel of the test system for a second magnitude compression response and a second phase compression response: and (20;see figure 1)

Art Unit: 2863

compensating for an effect that compression of one or both of the reference channel and the second channel has on measured magnitude data and measured phase data. (Col. 48, lines 36-39)

With regards to claim 27, Bonta et al. (USPN 5,245,347) teaches test system having extended dynamic range comprising:

a receiver channel; (18,20; see figure 1)

a controller that processes magnitude data and phase data generated by the receiver channel; (26,30; see figure 1) and

a computer program stored in memory, the computer program being executed by the controller, the computer program implementing instructions that compensate for an effect on the generated data caused by the receiver channel being compressed. (Col. 40, lines 50-55)

With regards to claim 2, 22 and 29, Bonta et al. (USPN 5,245,347) teaches compensating comprises correcting data measured for one of a device under test and a signal under test using the test system. (Col. 18, lines 66-68)

With regards to claim 3 Bonta et al. (USPN 5,245,347) teaches the test system is one of a network analyzer and a spectrum analyzer. (Col. 3, lines 29-30)

With regards to claim 21, Bonta et al. (USPN 5,245,347) teaches compensating comprises using magnitude compensations and phase compensations determined for the reference channel and the second channel to correct the measured data. (Col. 11, lines 45-47 )

### ***Claim Objections***

The following is a statement of reasons for the indication of allowable subject matter: Claims 4-15, 17-20, 23-26, 28 and 30-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-3, 16, 21-22, 27 and 29 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Milovich et al. (USPN 6,087,821) teaches a signal processing architecture which improves sonar and pulse doppler radar performance and tracking capability.

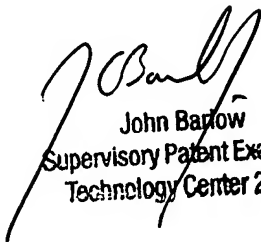
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S Bhat whose telephone number is 703-308-0332. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

Art Unit: 2863

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Aditya Bhat  
August 20, 2004



John Barlow  
Supervisory Patent Examiner  
Technology Center 2800